

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

PRIMO'S RESTAURANT,

Plaintiff,

v.

THOMAS RIDGE, as Secretary of the
Department of Homeland Security;
EDUARDO AGUIRRE, Director of U.S.
Citizenship & Immigration Services; Paul
NOVAK, as Center Director of the U.S.
Citizenship & Immigration Services for
Vermont Service Center,

Defendant.

Civil Action No. 04-12162-NG

**DEFENDANTS' ASSENTED TO MOTION
FOR ENLARGEMENT OF TIME TO RESPOND TO PLAINTIFF'S COMPLAINT**

Defendants' Response to Plaintiff's Complaint in the above captioned action is due on or about February 11, 2005. Defendants respectfully move for a 32-day enlargement of time up to and including March 14, 2005 to file a response. Good cause Exists for this Motion. The administrative adjudicatory process of the U.S. Citizenship and Immigration Service ("USCIS") was just recently completed with respect to the Plaintiff. As such, the complete administrative record has not been forwarded to the U.S. Attorney's Office. It is anticipated that the complete record will be received within the next several weeks, at which time an informed response can be prepared and filed.

This Motion is made in good faith and is not made to delay the action, or for any other improper purpose. Therefore, Defendants respectfully request that Court grant this Motion and that the time for filing a response to Plaintiff's Complaint be enlarged to March 14, 2005.

The Plaintiff has assented to this Motion.

Respectfully submitted,

UNITED STATES OF AMERICA

MICHAEL J. SULLIVAN
United States Attorney

By: /s/ Anton P. Giedt
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LOCAL RULE 7.1 CERTIFICATE

I, Anton P. Giedt, Assistant U.S. Attorney, hereby certify that I have conferred with Plaintiff's counsel of record by telephone on Wednesday February 9, 2005, and that Plaintiff's counsel assented to this Motion.

/s/ Anton P. Giedt
Anton P. Giedt
Assistant U.S. Attorney

CERTIFICATE OF SERVICE

Suffolk, ss.

Boston, Massachusetts
DATE: February 10, 2005

I, Anton P. Giedt, Assistant U.S. Attorney, do hereby certify that I have this day served a copy of the foregoing upon the Plaintiff's counsel of record by First Class Mail.

/s/ Anton P. Giedt
Anton P. Giedt
Assistant U.S. Attorney